

COMMUNITY AFFAIRS

Division Of Codes And Standards

Landlord-Tenant Relations

Proposed Readoption: N.J.A.C. 5:29

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 46:8-9.2 and 52:27D-3(e)

Proposal Number: PRN 2005-

Calendar: Reference: See Summary below for explanation of exception to calendar requirement..

Submit written comments by September 30, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:29, the rules concerning Landlord-Tenant Relations, are scheduled to expire on May 3, 2006. The Department has reviewed this chapter and finds that that it continues to be necessary and appropriate for

the purpose for which it was adopted and is therefore proposing that it be readopted without change.

The purpose of this chapter is to ensure uniformity in the forms given by landlords to tenants and to municipal clerks, in compliance with the Landlord Identity Disclosure Act, N.J.S.A. 46:8-27 et seq., and in the forms given by certain disabled tenants to landlords, in accordance with N.J.S.A. 46:8-9.2, which allows early termination of tenancies under certain circumstances because of disabling illness or accident. This chapter includes these two prescribed forms

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Failure to readopt these rules might result in non-uniformity in the form of landlord identity disclosure statements and would leave disabled tenants who might need to terminate their tenancies for reasons allowed by statute without the form that the Department is required by statute to provide. Readoption would therefore have the positive social impact of avoiding these adverse consequences.

Economic Impact

Failure to readopt these rules would have an adverse economic impact upon any tenant who might be in need of a form that would no longer officially exist in order to terminate a tenancy and who might therefore incur legal fees in dealing with an intransigent landlord who refused to accept termination of the tenancy due to lack of the

form required by statute. The lack of a standard landlord identity disclosure form might conceivably complicate an eviction action, or lead to a complaint against a landlord under the Landlord Identity Disclosure Act, if a form lacking some of the required information were to be used. Readoption would therefore have the positive economic impact of avoiding these adverse consequences.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed for readoption in compliance with, or in order to implement, any Federal law or rules or any State law referencing any Federal law or rules.

Jobs Impact

The rules proposed for readoption do not have any impact on jobs in New Jersey. No jobs are either created or lost as a result of their being in effect.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

These rules do not impose any reporting, recordkeeping or compliance obligations upon “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.A.C. 52:14B-16 et seq.

Smart Growth Impact

Readoption of this rule would not have any impact upon either the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:29.